

08-00/15

RESOLUTION 08-R-18 regarding Chapter 932 of the Public Acts of 2008, the Competitive Cable and Video Services Act, as it relates to franchise fees.

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WHEREAS, the City of Murfreesboro approved a fifteen year local Cable Television Franchise agreement with Comcast Cablevision of Nashville II, LLC which went into effect June 1, 2003; and,

WHEREAS, the local Cable Television Franchise agreement includes quarterly franchise fee payments to the City based on the City's definition of gross revenue; and,

WHEREAS, these franchise fee payments are required as part of the compensation for use of the City public rights of way; and,

WHEREAS, the City's definition of gross revenue, as set forth in Murfreesboro City Code §36-2 and the current franchise agreement with Comcast Cablevision of Nashville II, LLC, includes, among other items, franchise fees; and,

WHEREAS, Section 4(11)(A)(i) of Chapter 932 of the Public Acts of 2008 requires a municipality to adopt a resolution that requires gross revenue to include, among other items, franchise fees, as part of the quarterly franchise fee payments and to provide such notice to the Tennessee Regulatory Authority in order for these amounts to be included in any state issued cable and video franchise; and,

WHEREAS, on July 1, 2008, AT&T applied for a state issued cable and video franchise certificate with the Tennessee Regulatory Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. All cable and video service providers operating in the City of Murfreesboro and using our public rights of way are required to include franchise fees in the definition of "gross revenue", among other items, as part of the quarterly franchise fee payments to the City.

SECTION 2. The City Recorder shall send a certified copy of this Resolution to the Tennessee Regulatory Authority as its notice, pursuant to Chapter 932 of the Public Acts of 2008, Section 4(11)(A)(i).

SECTION 3. This Resolution shall be effective immediately upon its passage and adoption, the public welfare and the welfare of the City requiring it.

Passed: August 7, 2008

Jimmy Bragg, Mayor

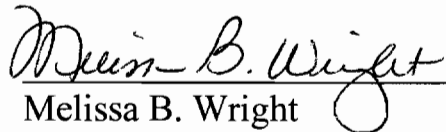
State of Tennessee)

: SS

Rutherford County)

I, the undersigned, Melissa B. Wright, do hereby certify that I as the duly appointed, qualified and acting City Recorder of the City of Murfreesboro, Rutherford County, Tennessee, and as such official I further certify that attached hereto is a true and correct copy of RESOLUTION 08-R-18 adopted by the City Council of said City on August 7, 2008.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the Corporate Seal of said City this 8th day of August 2007.


Melissa B. Wright
City Recorder

(S E A L)